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November 4, 2022

VIA E-FILING

Hon. Renee Marie Bumb, U.S.D.J.  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets, Courtroom 3D  
Camden, NJ 08101

Re: OCPO ads. Cheeseman  
Civil Action No.: 1:22-cv-4360  
Claim No.: 2023280073  
Our File No.: 42.0058751

Dear Judge Bumb:

Please be advised that I represent Defendant Bradley Billhimer, the Ocean County Prosecutor, in connection with the above-referenced matter. Pursuant to Your Honor's requirements, I am requesting a pre-motion conference in order to refile my motion to dismiss the complaint in lieu of an answer as to Mr. Billhimer.

The complaint in this matter challenges the constitutionality of various New Jersey statutes defining and regulating certain firearms. Plaintiffs allege that the various New Jersey statutes violate the Second and Fourteenth Amendments of the United States Constitution, and bring their claims under 42 U.S.C. §1983. The New Jersey Attorney General's Office is responding to the Constitutional challenge to the statutes. Plaintiffs' complaint and second amended complaint seek an injunction against the Ocean County Prosecutor, as well as the Gloucester County Prosecutor, to enjoin them from enforcing the New Jersey law as it currently stands with regard to assault firearms.

It is respectfully submitted that Mr. Billhimer should be dismissed from the case at this juncture since, pursuant to statute, as Ocean County Prosecutor, he is mandated to "use all reasonable and lawful diligence for the detection, arrest, indictment and conviction of offenders against the laws". N.J.S.A. 2A:158-5. Thus, unless and until the assault weapons statutes are changed, Prosecutor Billhimer is legally bound to

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enforce them. It should also be noted that Plaintiffs seek to enjoin only two of the 21 county prosecutors throughout the State of New Jersey.

I have had conversations with Plaintiffs' prior and current counsel in an effort to amicably resolve this issue, however, we have been unable to reach an agreement.

Accordingly, in light of the foregoing, I would request that a pre-motion conference be scheduled in this matter.

Thank you, Your Honor, for your attention.

Very truly yours,

  
MARY JANE LIDAKA

MJL/bk

cc: Bradley P. Lehman, Esq. (via e-filing only)  
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